

(In effect as of January 1, 2005\*)  
TABLE 18. ATTORNEY FEES IN WORKERS' COMPENSATION 1/

State	Attorney fees established by statute, rule, operating policy, or on individual case basis	Determined by:	Statutory provision whereby attorney fees are added to award in certain cases	Statutory provision making unlawful acceptance of unapproved fees	Laypersons permitted to represent claimants	Attorney fees, upon approval, become liens against awards
Alabama	15%, statute	Court	None	None	No	No
Alaska	No fee cap, all fee awards must be "fully compensatory and reasonable," minimum fee is 25% of first \$1,000 of benefits awarded and 10% of balance, statute.	Agency	Yes	Yes	Yes	No
Arizona	25%, statute	Agency	None	None	No	No
Arkansas	25% of indemnity benefits, statute	Agency	Yes	None	Yes	Yes
California	Individual case basis	Agency	Yes	None	Yes 2/	Yes
Colorado	20%, statute	Agency	None	None	Yes	No
Connecticut	Individual case basis	Agency	Yes	None	Yes	No
Delaware	30% of award or 10 times the State AWW as announced by the Secretary of Labor at the time of the award, whichever is less, statute	Agency & Court	Yes	None	No	No
Dist. of Col.	20% statute	Agency	Yes	Yes	Yes	Yes
Florida	20% first \$5,000; 15% second \$5,000; 10% on amount received over first 10 years, 5% on balance, statute	Judge of Compensation Claims	Yes	Yes	No	Yes
Georgia	25%, statute	Agency	Yes	Yes	No	Yes
Hawaii	Individual case basis	Agency	Yes	Yes	Yes	Yes
Idaho	25% non-litigated; 30% litigated	Agency	Yes	None	No 3/	No
Illinois	20%, statute	Agency	Yes	None	No	No
Indiana	Individual case basis	Agency	Yes	None	No	Yes
Iowa	Individual case basis	Agency	None	None	No	Yes
Kansas	25%, statute	Agency	None	None	No	Yes
Kentucky	20% first \$25,000; 15% next \$10,000; 5% balance up to a maximum of \$12,000, statute	Agency	Yes	No	No	No

\*See Introduction page.

1/ This table refers only to attorney fees for claimants. Attorney fees for employers and insurance carriers are not regulated by State statutes or regulations.

2/ California: Cannot collect a fee for representation.

3/ Idaho: Claimant may act pro se.

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Louisiana	20% of all amounts recovered; 10% on balance, statute	Court	Yes	Yes	No	Yes 4/
Maine	Individual case basis	Agency	Yes 5/	Yes	Yes	No
Maryland	Permanent Partial Disability: 20% of the first 75 weeks of compensation 15% of compensation due for weeks 76-195 10% of compensation due for weeks 196+ Cap is 20 times state aww for year of ai/od Settlements: Cap is \$7,500.00	Agency	Yes	Yes	No	Yes
Massachusetts	If employee prevails before hearing, twice SAWW; otherwise depends on when appellate process, settlement occurs, statute	Agency	Yes	Yes	No	Yes
Michigan	30%, rule; up to time of trial, 15% first \$25,000; 10% balance on redemption settlements 10% on voluntary payment settlements	Agency	None	None	No	No
Minnesota	25% first \$4,000; 20% next \$60,000, statute	Court	Yes	Yes	No	Yes
Mississippi	25% before Commission; 33 1/3% in Court, statute	Agency	None	Yes	No	Yes
Missouri	25%, policy	Agency	None	None	No	Yes
Montana	20% - 25%, rule	Agency	Yes	None	Yes	Yes
Nebraska	statute states "reasonable"	Court	Yes	Yes	No	Yes
Nevada 6/	No provision		Yes		Yes	
New Hampshire	20%, policy	Agency	Yes	None	No	Yes
New Jersey	20%, statute	Court	Yes	Yes	No	Yes
New Mexico	*Maximum of \$16,500, statute	Court	Yes	Yes	Yes	Yes
New York	Individual case basis	Agency	None	Yes	Yes	Yes
N. Carolina	Individual case basis	Agency	Yes	Yes	No	No

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4/ Louisiana: Attorney fees may not be included in any formula used to establish insurance premium rates.

5/ Maine: True only for discrimination cases.

6/ Nevada: The Nevada Attorney for Injured Workers may be appointed to provide legal representation, without charge, to claimants at certain administrative and appellate hearings. Attorney fees may be awarded in frivolous petitions for judicial review.

\* Effective 7/1/03

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North Dakota	Hourly fees and maximum caps depend on whether the Injured Worker prevails and the level at which the case was resolved. At Administrative Hearing level the cap is \$4,620 and at the Supreme Court level the cap is \$9,356 with different levels of resolution in between having different maximum caps.	Agency	Yes	None	No 7/	No
Ohio	Individual case basis	Agency	None	None	No 8/	No
Oklahoma	10% TTD; 20% other types, statute	Court	None*	None	No	Yes
Oregon	25% of increased compensation not To exceed \$4,600 (PPD), \$12,500 (PTD), \$1,500 (temp. disability), rule	Agency	Yes	None	Yes	Yes
Pennsylvania	20%, statute	Agency	Yes	None	No	Yes
Puerto Rico	Individual case basis	Agency	Yes	None	No	No
Rhode Island	Individual case basis	Court	Yes	None	No	No
S. Carolina	Individual case basis	Agency	Yes	Yes	No	No
South Dakota	25% for settlements; 30% for lower court cases; 35% for State Supreme Court cases, statute	Agency	Yes	None	Yes	No
Tennessee 9/	20%, statute	Agency & Court	None	Yes	No	Yes
Texas	25%, statute	Agency	Yes	Yes	Yes	Yes
Utah	20% first \$15,000; 15% next \$15,000; 10% balance; maximum \$10,850	Agency	None	None	Yes	No
Vermont	20% maximum \$9,000 hourly rate \$90, policy	Agency	Yes	None	No	Yes

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7/ North Dakota: A non-legal workers' advisor program provides assistance to injured workers, independent of the administrative claims processes and prior to the administrative hearing process; attorney fees may not be paid for claimants unless they have first used the advisor process.

8/ Ohio: However, laypersons are permitted to represent claimants at administrative hearings, if no fee is charged.

9/ Tennessee: Employer attorney fees in excess of \$13,037.96 require court approval. The threshold will be adjusted each July.

\* Attorney fees are paid from the compensation award. However, a party may be assessed additional attorney fees in connection with a patently frivolous appeal and under court Rule 38 in connection with pre-hearing conferences.

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Virginia	Individual case basis	Agency	Yes	None	No	No
Virgin Is.	N/A	Agency	N/A	N/A	N/A	N/A
Washington	30%, statute	Agency	Yes	Yes	Yes	No
West Virginia	20%, 208 week limit, statute 10/	N/A	Yes	Yes	No	Yes
Wisconsin	20% in disputed cases, statute	Agency	None	Yes	Yes	No
Wyoming	Individual case basis	Court	Yes	Yes	Yes	No

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10/ West Virginia: Attorney fees limited to 20% of claimant's or dependent's award.

N/A = Not Available